STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JEREMIAH DANIEL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CLARINDA DANIEL,

Respondent-Appellant.

UNPUBLISHED
August 26, 2003

No. 245752
Oakland Circuit Court
Family Division
LC No. 99-619705

In the Matter of CHRISTIAN DANIEL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CLARINDA DANIEL,

Respondent-Appellant.

No. 245759
Oakland Circuit Court
Family Division
LC No. 02-660518

Before: Markey, P.J., and Cavanagh and Saad, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court orders, entered following the initial dispositional hearing, terminating her parental rights to the minor children under MCL 712A.19b(3). We affirm. These cases are being decided without oral argument pursuant to MCR 7.214(E)(1)(b).

Petitioner filed permanent wardship petitions seeking termination of respondent-appellant's parental rights to her minor children at the initial dispositional hearing, based on her prior history with the FIA. That history included termination of her parental rights to four older

children and, for eighteen months, eluding the authorities who sought to take temporary custody of one of the children in this proceeding.

Respondent-appellant first argues that the trial court committed reversible error at the initial dispositional hearing by failing to consider a case service plan for reunification of the family in violation of MCL 712A.18f(4) and MCR 5.973(A)(5).[1] It further erred at the same hearing by failing to determine whether the FIA made reasonable efforts to prevent the children's removal from their home or to rectify the conditions that caused the children's removal, as required by the same statutory provision and court rule. We disagree.

Petitioner's request for termination of respondent-appellant's parental rights at the initial dispositional hearing was authorized by MCL 712A.19b(4) and MCR 5.974(D). Therefore the court's consideration of a case plan to reunify the family would have been contrary to petitioner's plan to terminate respondent-appellant's parental rights once the court determined it could exercise jurisdiction over the children. Likewise, a reasonable efforts determination would have been contrary to the FIA's plan for the children. The court rule relied upon by respondent-appellant supports this conclusion, because it requires a reasonable efforts determination only "when appropriate." Accordingly, reversal is not warranted.

Respondent-appellant also argues the trial court erred in terminating her rights because petitioner did not make reasonable efforts to work with her and provide services to reunite the family. Where a petitioner seeks termination of parental rights at the initial dispositional hearing, there is no requirement that the petitioner make reasonable efforts to work with the respondent toward reunification. Again, such would have been contrary to petitioner's plan for the children in this case. MCL 712A.19b(4): MCR 5.974(D).

Affirmed.

/s/ Jane E. Markey
/s/ Mark J. Cavanagh
/s/ Henry William Saad

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[1] Effective May 1, 2003, the court rules governing proceedings regarding juveniles were amended and moved to the new MCR subchapter 3.900. The provisions on dispositional hearings and termination of parental rights are now found in MCR 3.973 and MCR 3.977 respectively. In this opinion, we refer to the rules in effect at the time of the orders terminating parental rights.